

From: Ellis, William T. [mailto:WEllis@foley.com]
Sent: Thursday, December 24, 2009 10:43 AM
To: Le, Khanh H. (AU3622)
Cc: Ellis, William T.; Mark Landesmann
Subject: FW: REVIEW OF DRAFT EXAMINER'S AMENDMENT 09/888,439

Examiner Le

See my annotations in caps and brackets below. Note that everything seems correct, except that the answer to your question on claim 231 IS THAT IT SHOULD DEPEND FROM 358. THE COUNTERPART CLAIM DEPENDING ON CLAIM 402 IS CLAIM 283]]

Best Regards,

Bill Ellis

From: Le, Khanh H. (AU3622) [mailto:Khanh.Le2@USPTO.GOV]
Sent: Wednesday, December 23, 2009 9:40 PM
To: Ellis, William T.
Subject:

Mr Ellis,

Please see attached Examiner's Amendment Draft.

Examiner's REMARKS re. Examiner's Amendment Draft.

330. (Cancelled) was added.

2)Dep. cls 331-356 (old) made dep. on 446= old 333 .Must fix to 446 from 445. Done. [[CORRECT]]

3) Applicant requested for 402-423 correction such as

“402. (New) A computer program product for buyer-driven targeting by a system comprising:

a set of computer-readable non-transitory media having computer readable program code embodied therein to be executed by a

computer, the computer readable program code comprising program code to perform the following method:

receiving via computer-enabled automated access, from each of a plurality of buyer entities comprising at least one respective third party purchase record or information derived therefrom;...”

Examiner added: “receiving, via computer-enabled automated access, data” to 402-423. It was “receiving data” before. [[CORRECT]

4) Multiple dependent claim 254 (parallel 306 (CRM)//254 (M)//355(S).) now comprises new independent claims 380-401: all good except 389, 398 (need add 209 limitation) and 401 (need add 218 limitation) YOU ARE CORRECT. THANKS FOR CATCHING THAT . To be done. Needed limitations shown. [[CORRECT]]

RE claim 158:

5) 102 and 103 have to be cancelled if 102 is made dep. on 158 since 158 already contain 102 and 103. [[CORRECT]]

6) 107 and 142 must be made dep on 158 not 103. e.g. “137. (Previously presented) The system as defined in claim 158[[103]],”. Done. [[CORRECT-- BUT YOU MEANS TO SAY CLAIM 137]]

7) Why cross-~~“computer code for storing the acceptance information”~~ from 402? Not in other new independents-
LET’S PUT IT BACK IN . Done. [[OK]]

8) Re.“ Note that claim 231 now depends from claim 402, which comprises claim 284-259. ..” [[CL 231 SHOULD DEPEND FROM 358. THE COUNTERPART CLAIM TO 402 IS 283]]

claim 231 now shows depending from claim 358, which comprises claim 233-207.” which is correct since 231 (method) cannot depend on 402 (CRM).

9) Corrections for new claims 503-504 comprise 230 and 232, depending from claim (old 355) **469** in system format. Done. [[CORRECT]]

10) Multiple dependent claim 306 now comprises new independent claims 424-445. [[CORRECT]]
old 306 (CRM)//254 (M)//355(S), now =424-445: “**computer-readable non-transitory media**” is used in all instead of “**non-transitory computer-readable media**”. NO OBJECTION TO CHANGING . Not done . To be done. [[OK]]

11) Not sure What Applicant wants with this phrase, page 1:

1. **“Listing of Claims:**

Please add the following limitations to each of the independent Claims 1, 94, and 204 as follows to put the present application in a clear condition for allowance, without the need for further search/consideration:” ????
[[IGNORE]]

11) some sections shown in different colors just to separate the claim types.

12) corrections mostly made in red or purple.

13) Please do not send another document. I just work from this one.

14) Unless I find any other discrepancies we’ll go with this.

Thanks.

Regards,

Khanh H. Le
Patent Examiner
Art Unit 3688
Knox 5B87

571-272-6721
khanh.le2@uspto.gov

From: Ellis, William T. [mailto:WEllis@foley.com]
Sent: Tuesday, December 22, 2009 4:26 PM
To: Le, Khanh H. (AU3622)
Cc: Ellis, William T.
Subject: 09/888439

Examiner Le

Thank you for your call this afternoon.

I reviewed the dependent claims 503 and 504. They should depend from claim 469.

Also, allowed claim 355 is found in new claims 469-490.

Also, I reviewed the WorkSheet claims. The discrepancy in claim numbering in the WorkSheet started at claim 424. There were two 424's. That was corrected in the final Amendment document sent to you, so that the numbers in the final document after claim 424 slip by one digit relative to the WorkSheet numbering.

I will resend with the changes early tomorrow.

Please feel free to call on an ongoing basis as questions come up.

Regards,

Bill Ellis
Foley & Lardner LLP
3000 K Street, N.W., Washington, D.C. 20007-5109
Phone: (202) 672-5485; Fax: (202) 672-5399
E-mail: wellis@foley.com
Web-site: www.foley.com

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender

that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.